



Steve Bellone
SUFFOLK COUNTY EXECUTIVE

Natalie Wright
Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: The Meadows at Yaphank
Municipality: Town of Brookhaven
Location: n/w/c NYS Rt. 495 (Long Island Expressway) & CR 48
(William Floyd Parkway)

Received: 8/5/2021
File Number: BR-21-12
T.P.I.N.: 0200 58300 0200 003001
Jurisdiction: Pine Barrens zone, w/in 500' NYS Rte. 495 & CR 48

ZOING DATA

- Zoning Classification PDD
- Minimum Lot Area (Sq Ft): 0
- Section 278: NA
- Obtained Variance: NA

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: Yes
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: Yes
- Property Previously Reviewed by Planning Commission: Yes
 - Map Yield: NA
- SEQRA Information: Yes
- SEQRA Type Type I
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: none
- General Character of Site: rolling
- Range of Elevation within Site: 88 - 135' amsl
- Cover: disturbed oak-pine woodland
- Soil Types: Carver, Haven, Plymouth and Riverhead series
- Range of Slopes (Soils Map): 0-15%

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: site plan
- Layout: campus
- Area of Tract (Acres): 65.45
- Yield Map: NA
 - No. of Lots: 152
 - Lot Area Range (Sq. Ft.): NA
- Open Space (Acres): 42.67

ACCESS

- Roads: Public
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design System: catch basins - leaching pools
 - Recharge Basins: yes
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: public

PROPOSAL DETAILS

OVERVIEW

AMENDED STAFF REPORT - 9/01/21

SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Petitioners to the Brookhaven Town Board seek an amendment of the restrictive covenants enforcing a Town-approved Planned Development District (PDD) Master Plan and for an amendment of that approved Master Plan (see below original 9/7/11 staff report).

The proposed amendment would allow a development project which would replace the remaining approximately 400,000 SF of available office and commercial/flex space (in zone 2 Meadows Commercial Office Park) located at the southwestern corner of the Meadows at Yaphank Master Plan with 152 multi-family units. One hundred fourteen (114) age-restricted units and 38 non-age-restricted units are proposed. The proposed amendment of this last phase of the project would add an additional 16 units of affordable housing (10.5% of the proposed 152 units) for an overall affordable unit total of approximately 101 units of the total proposed 1,002 (850 + 152) units of the intended amended Meadows at Yaphank Master Plan.

Details of the amendment include 61 two-story duplex and triplex residential buildings, an outdoor swimming pool/patio area, a gazebo/covered outdoor picnic area, a dog park, a guard house and a 5,000 SF clubhouse on approximately 65.45 acres originally slated for office and commercial/flex space.

Three vehicle access points are proposed into the site. One unsignalized/unrestricted access point to Meadow Lane on the east of the development and two unsignalized/unrestricted access points off the The Boulevard West roadway to the north.

Parking is proposed to be a minimum of 384 parking spaces and is in compliance with the PDD ordinance.

Sidewalks will be provided along the internal roadways and will connect to the overall sites pedestrian network.

The residences would be sited on the area already designated and cleared for the non-residential development originally proposed on site. Landscaping will be planted throughout the site along and between the residential structures along the bordering and internal roadways, and bordering the three proposed artificial ponds to be a part of the drainage system.

The proposed amendment to the Master Plan results in no additional clearing on the proposed development site. The proposed residential dwellings will be constructed within the cleared and disturbed area originally intended to be developed as part of the Community Office and Commercial/flex zone. Approximately 42.67 acres of open space of the 65.45 acre property or 65% of the parcel will remain undisturbed.

All waste water for this phase, as with other phases, is to be directed to the Dorade Sewage Treatment Plant to the north. To transfer the flow from the proposed development to the treatment plant a pump station will be constructed within the overall development. Sewer lines will be run through the proposed development and connect to the existing sewer line on Yaphank Woods Boulevard. All sanitary improvements are subject to the review and approval of the Suffolk County Department of Health Services. The project will be served with public water supplied by the SCWA.

As noted in prior staff reports on this Master Plan development (BR-11-05; BR-14-02; BR-17-01; & BR-19-08), the proposed project site is located in Hydro-geologic Management zone III as per Article 6 of the Suffolk County Sanitary Code. In addition, the parcel is located in the Central Suffolk Special Groundwater Protection Area. The proposed project site is located in a NYS Critical Environmental Area (Middle Island Yaphank CEA). The site is located in the Compatible Growth Area (CGA) of the Central Pine Barrens. A New York State and Town of Brookhaven regulated fresh water wetland (B-16) is located in the north east corner of the overall Meadows at Yaphank development site. The proposed amended site plan includes the construction of a Town of Brookhaven recharge basin (road drainage), a separate (private) recharge basin associated with the development of the overall site and a proposed constructed wetland relocation. All three of the recharge/wetland locations are located in the southwest corner of the development. Two other man-made ponds are situated center-south in the proposed residential development.

STAFF ANALYSIS

AMENDED STAFF REPORT - 9/01/21

The Petitioner puts forth in materials referred to the Suffolk County Planning Commission from the Brookhaven Town Board that “from an environmental stand point, the change is minimal as the area of the proposed development is cleared and disturbed and was intended to be developed as part of the PDD.” The proposed changes that are the subject of this application, according to the petitioner, will reduce water use, reduce wastewater flow, reduce vehicle trip generation and generally have less environmental impact regarding these resource categories.

The Suffolk County Planning Commission staff confirms by rough, theoretical calculation, that wastewater flow, motor vehicle trip generation and vegetative clearing could be decreased as compared to the prior proposal:

<u>Use</u>	Waste Water flow	Motor Vehicle Trips
~200,000 SF general commercial	~80,000 gpd	~1,400 t/awd
~200,000 SF general office	~240,000 gpd	~2,200 t/awd

150 attached units	~34,000 gpd	~890 t/awd

The petitioner also puts forth that the proposed residential development, in the form of attached housing, minimizes the generation of a school-age population on the site. It should be noted that there was not to be a school age population generated from this phase of the Meadows at Yaphank Master Plan. One and two-bedroom attached units are considered to be low generators of school age children.

The Environmental Impact Statement for the Meadows at Yaphank Planned Development District Master Plan indicated that the 547 non age-restricted residences (out of 850 total residential units) “could generate as many as 110 school-age children. The added cost to the Longwood Central School District (LCSD) would therefore be \$2,456,510 annually. This compares with additional annual tax revenues from the project of \$6,402,779, resulting in surplus tax revenues to the school district of \$3,946,269 yearly. However, state and federal aid would reduce school expenditures to only \$116,596,661, or \$12,789/student. This in turn reduces the cost for the 110 students to \$1,406,790/year and results in surplus school revenues from the project of more than \$4.9 million/year.”

Utilizing the same ratio as the original project, the proposed addition of 38 non age restricted (of the 152) units may generate as many as 7.6 additional school age children for the district. It is possible that the 1 and 2 bedroom mix of this section of the Meadows at Yaphank PDD would generate a smaller school age population. Fiscally however, there does not appear to be an adverse impact to the Longwood School District. During the referral process for this matter there have been no concerns raised to the staff of the Planning Commission by representatives of or constituents from the Longwood School District.

It is also noted that the substitution of the proposed 152 units for the 400,000 SF of office and commercial/flex space will increase affordable housing in the overall Meadows at Yaphank development to approximately 101 units, as opposed to 85 such units absent the proposed project.

In response to comments in the Suffolk County Planning Commission approval resolution of September 7, 2011 the applicants have previously submitted a “Compliance with Suffolk County Planning Commission Recommendations” report (see BR-11-05 attachments). The petitioner’s report outlines the Meadows at Yaphank Master Plan and analyzes the development against the guidelines for referral of proposed municipal subdivision and zoning actions as published by the Suffolk County Planning Commission (January 2009). It was found in the 2011 staff report that the proposed Meadows at Yaphank Master Plan generally conformed to the intent and tone of the Commission Guidebook. It was noted that the Town and the Petitioners did not address the specific standards found in (then) Chapter 5 of the Planning Commission Guidebook in their submitted “Analysis”. Chapter 5 contained items now located in the current Chapter 4 – Policies and Guidelines Regarding County-wide Priorities. The sections on Housing, Renewable Energy & Energy Efficiency, Public Safety, Economic Development, Transportation, Environment, Design and special land use Situations such as development in Pine Barrens zones are relevant to this petition.

The proposed layout of the attached-unit, multi-family housing development Petition can generally be considered a cluster housing layout.

Multi-unit buildings are clustered to the northeast of the 65 acre lot to accommodate recharge basins and created wetlands to the west and a large block of Pine-Oak woodland to the south.

It can be observed, though not mentioned in referral materials to the Suffolk County Planning Commission by the Brookhaven Town Board, that the design of two and three-family housing units addresses a recent goal of the Suffolk County Department of Economic Development and Planning. Providing a range of affordable housing types or “Missing Middle” housing meets one of the long term land use changes/needs recognized as a best management practice by planning practitioners.

It is the belief of the staff of the Suffolk County Planning Commission that the proposed amendment of the restrictive covenants to replace the remaining 400,000 SF of available office and commercial/flex space in zone 2 (Meadows Commercial Office Park) located at the southwestern corner of the Master Plan with 152 multi-family units, is designed to facilitate equity and create a project that is integral with the larger approximately 330 acre Meadows at Yaphank development. It should be noted that phases already underway within the 330 acre Master Planned development includes the “Shops at the Boulevard” to the east which is a commercial center with various restaurant and retail uses including a “super Wal-Mart”; the Lofts at the Boulevard (295 apartments in 39 buildings with a community building and other amenities); Country Pointe at Yaphank (400 units consisting of 300 retirement housing and 100 non-age restricted units with clubhouse, tennis courts, ponds etc.) of an assisted living facility, hotel, municipal recreation fields and facilities, and other community amenities.

It is understandable, from a look at current land use trend projections that a reduction of the approximately 400,000 square feet of “Community Office and Commercial/flex” space is desirable. However, it is the belief of the Suffolk County Planning Commission staff that some reduced amount should be provided with this phase of the proposed Meadows at Yaphank development. One and Two bedroom dwellings provide little ability for home office or other typical “spare room” uses. Commission staff would recommend that if it was possible to retain in this phase of the development, some flexible live/work shared office space, and some amount of commercial/flex space it would make the Meadows at Yaphank development less auto oriented. By meeting the future anticipated demand of a strong e-commerce society with pop-up retail space or temporary retail food use or temporary indoor recreational activities on the ground floor of the community center or in locations in buildings within “Zone 2”, the Meadows at Yaphank attached unit development would be a more desirable place to live.

It is noted that sidewalks will be provided along the internal roadways and will connect to the overall sites pedestrian network. Pedestrian and bike access to County Road 48 (William Floyd Parkway) and to property adjacent to the north-west should be explored from the subject development. Identification signage for offsite pedestrian/bike trails and destinations beyond the Meadows at Yaphank development should be considered. Bike racks for storage and benches for rest at destinations throughout the trail/sidewalk system should also be considered. Mass transit (bus) shelters should also be considered for future mass transit service. The Petitioner and the Brookhaven Town Board should also begin dialogue with the Suffolk County Department of Public Works Transit Division, to lobby for bus service to this part of CR 48. The alternative to mass transit service to The Meadows at Yaphank should be developer provided shuttle/van service for residents, employers and employees to health and other services not provided by the Planned Development District.

STAFF RECOMMENDATION

AMENDED STAFF REPORT - 9/01/21

Approval of the amendment of the restrictive covenants enforcing a Town-approved Planned Development District (PDD) Master Plan and for an amendment of that approved Master Plan known as the Meadows at Yaphank Planned Development District to replace the remaining approximately 400,000 square feet of available office and commercial/flex space (in zone 2 Meadows Commercial Office Park) with 152 multi-family units. **With the following comments:**

Comments:

1. The proposed amendment of the restrictive covenants to replace the remaining approximately 400,000 square feet of available office and commercial/flex space (in zone 2 Meadows Commercial Office Park) with 152 multi-family units referred to the Suffolk County Planning Commission is substantially consistent with the approved Planned Development District (PDD) zoning reviewed and approved by the Suffolk County Planning Commission and subsequently approved by the Town of Brookhaven.
2. The petitioner and the Brookhaven Town Board should consider retaining, in this phase of the development, some flexible live/work shared office space, and some amount of commercial/flex space in order to make the Meadows at Yaphank development less auto oriented. By meeting the future anticipated demand of a strong e-commerce society with pop-up retail space or temporary retail food use or temporary indoor recreational activities on the ground floor of the community center or in locations in buildings within "Zone 2", the Meadows at Yaphank attached unit development would be a more desirable place to live.
3. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on The Study of man-made Ponds in Suffolk County NY.
4. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
5. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
6. The petitioners should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
7. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
8. It is noted that Sidewalks will be provided along the internal roadways and will connect to the overall sites pedestrian network. Pedestrian and bike access to County Road 48 (William Floyd Parkway) and to property adjacent to the north-west should be explored from the subject development. Identification signage for offsite pedestrian/bike trails and destinations beyond the Meadows at Yaphank development should be considered. Bike racks for storage and benches for rest at destinations throughout the trail/sidewalk system should also be considered. Mass transit (bus) shelters should also be considered for future mass transit service.

9. The Petitioner and the Brookhaven Town Board should begin dialogue with the Suffolk County Department of Public Works Transit Division, to lobby for bus service to this part of CR 48.

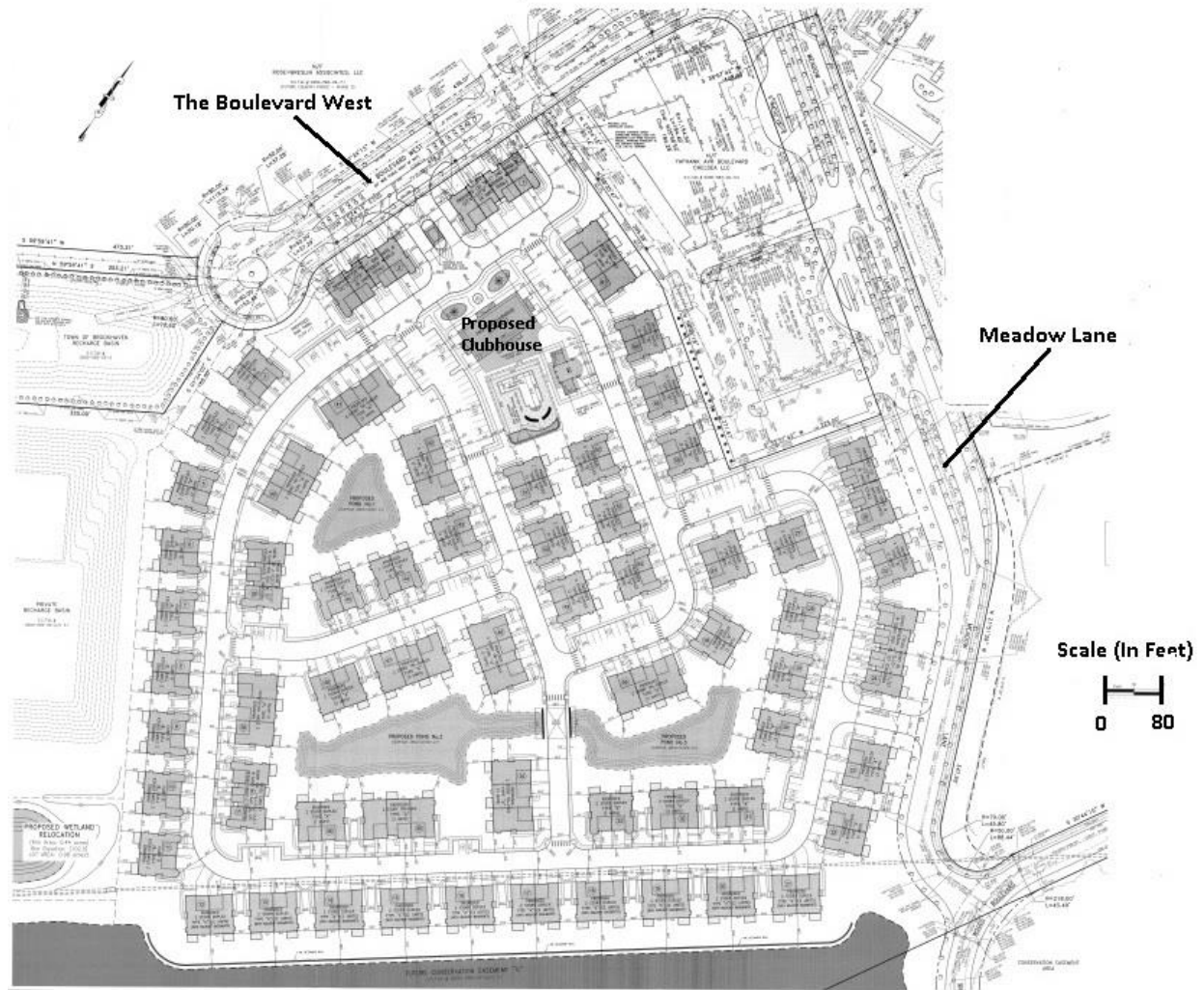
10. The alternative to mass transit service to The Meadows at Yaphank should be developer provided shuttle/van service for residents, employers and employees to health and other services not provided by the Planned Development District.

11. A minimum of 10% of all residential units should be maintained as affordable and/or workforce housing units of which no less than 2% should be set aside as accessible for individuals with developmental disabilities.

Amendment of PDD for 152 Residential Multi-Family Units - Location Map



Amendment of PDD for 152
Multi-Family Units - Site Plan



Original Staff Report - 9/7/11
PROPOSAL DETAILS

OVERVIEW - Applicants request a change of zone on the subject property totaling 322.37 acres from J-2 (150.17 ac) and L-1 (172.2 ac) to Planned Development District (PDD). The PDD plan proposes a mix of uses totaling 1,032,500 SF of commercial space including a hotel (150,000 SF), restaurant (5,000 SF), retail space (327,500 SF), office/flex industrial space (250,000 SF) and 850 units of attached housing (303 age restricted; 85 (10%) workforce/affordable) with a mix of 1 and two bedroom rentals (144 units), 1 and two bedroom condominiums (486 units) and 2 and 3 bedroom townhouses (220 units). The 85 workforce housing units are dispersed among the rental units and condominiums.

Town of Brookhaven Zoning Law requirement for off street parking relevant to this action is not met by the proposal and would require adjustments to the requirements of all the uses with the exception of the hotel. The petitioners put forth that "adequate parking to serve the related uses will be provided throughout the development." Separate parking areas for the recreational amenities and civic spaces are proposed.

Storm water detention ponds are proposed as part of the storm water management system on site.

The application material indicates that the development is to connect to an existing sewage treatment facility associated with an adjacent attached unit development, though the facility will require construction upgrades to adequately accommodate the combined flow.

The petition also includes the proposed creation of a Towne (sic) Square including reflecting pool, concert gazebo, public plaza, great lawn and civic space. The civic space is in the form of a community center pavilion and restrooms. Approximately seven (7) acres of parkland for athletic fields is offered along with 116.98 acres (36%) of existing natural areas to remain. In addition, the proposal includes the retirement of five (5) Pine Barren Credits.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: The purpose of the referral process is to bring intercommunity and county wide planning, zoning site plan and subdivision considerations to the attention of neighboring municipalities. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The proposal involves the development and improvement of the subject site in order to provide a use that is presumptively compatible with the existing land use character of the area.

One concern of Suffolk County Planning Commission staff is that the Town of Brookhaven, Town wide, has less than one percent (1%) of its zoned land in an industrial zoning district. This is comparatively less than the adjacent municipalities. The Town should recognize that the preservation and improvement of industrial land with industrial uses creates long term employment opportunities in addition to the short term construction jobs associated with improvement of the land.

The Town should give consideration to the preservation of industrial zoned land as a means to achieve long term job creation/retention and balance local municipal services and school costs. The Town should emphasize the use of the "flex space" in this proposal for light industrial (tradesperson) uses.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven 1996 Comprehensive Land Use Plan identifies the subject parcel as appropriate for “Planned Development.”

The proposal is for a change of zone to a mixed use Planned Development District and is presumptively compatible with the 1996 Comprehensive Plan.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities including:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted January 2009).

The Town of Brookhaven Department of Planning, Environment and Land Management in concert with the Petitioners consultant (Nelson Pope & Voorhis, LLC) , has jointly prepared and submitted an “Analysis of Conformance to the Suffolk County Planning Commission Policies & Guidelines for the Referral of Proposed Municipal Subdivision and Zoning Actions” dated August 17, 2011 (see attached).

Suffolk County Department of Planning staff has reviewed the “Analysis” formulated by the Town and the petitioner and has the following observations:

Section 4.3, Housing, of the Suffolk County Planning Commission Guidebook:

The general policy of this section is not contradicted by the petitioner’s proposal. However, the Town and Petitioners indicate in the Analysis that 10% of the proposed units will be set aside as workforce housing units. Section 5.1 (standards: Affordable Housing Guidelines pg. 37 of the Suffolk County Planning Commission Guidebook) further elaborates on section 4.3 and indicates that “a minimum of twenty percent (20%) of all units be set aside as affordable units (change of zone applications).” It is the belief of the staff that the workforce housing element of the proposal should be modified to reflect SCPC policy.

It is noted that the Town and petitioners did not address the specific standards found in Chapter 5 of the Suffolk County Planning Commission Guidebook in their submitted “Analysis”. These standards can be further investigated by the Suffolk County Planning Commission in later referrals of the site plan or any other subsequent zoning action relative to this referral pursuant to Section 239 of NYS General Municipal Law and Article 14 of the Suffolk County Administrative Code.

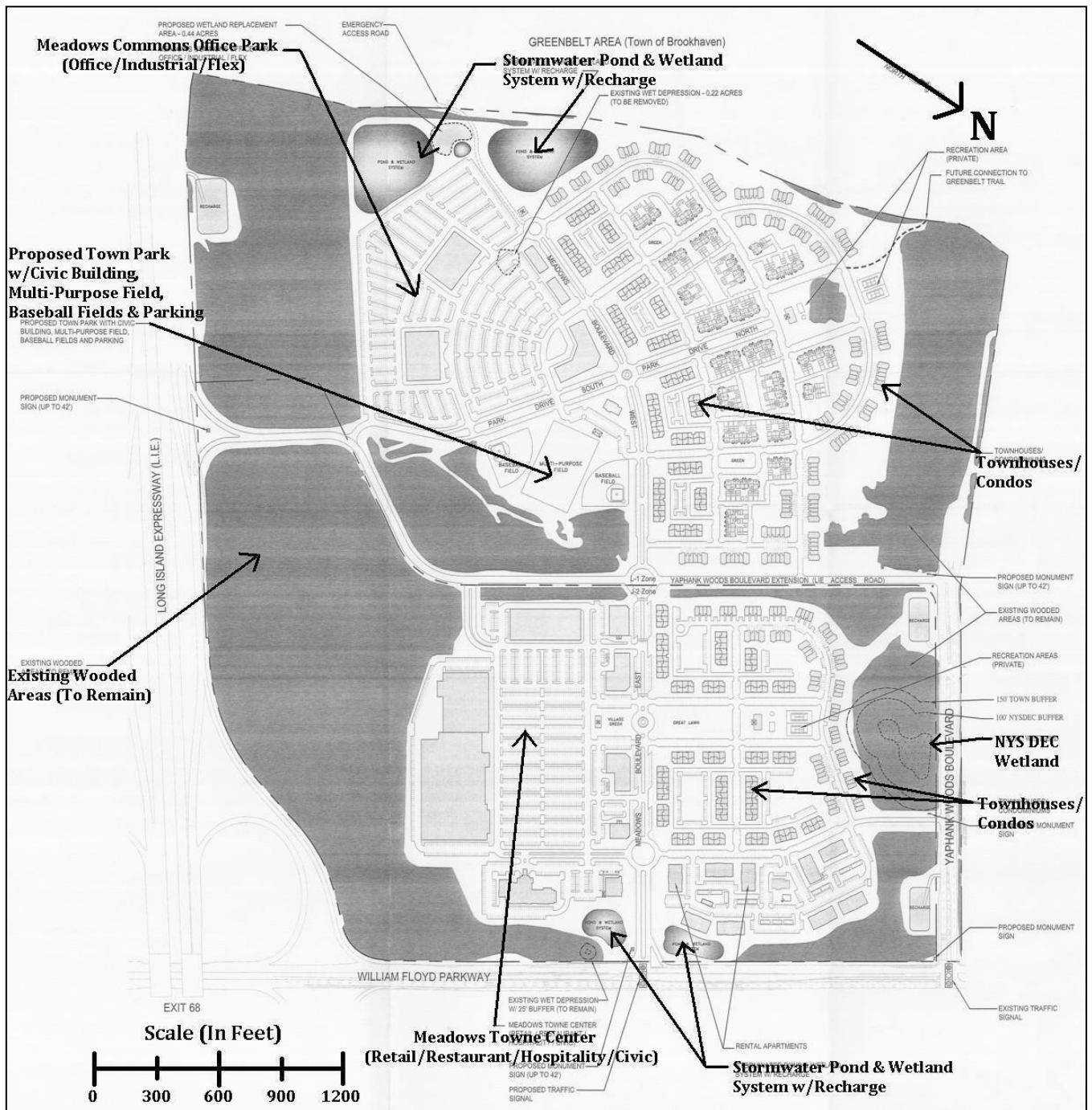
STAFF RECOMMENDATION

Approval with the following modification:

In accordance with Suffolk County Planning Commission Policy, Twenty percent (20%) of the 850 residential units (170 units) shall be set aside for affordable/workforce housing purposes.

Reason:

The Town and Petitioners indicate in their submitted "Analysis" to the Suffolk County Planning Commission that 10% of the proposed units will be set aside as workforce housing units. Section 5.1 (standards: Affordable Housing Guidelines pg. 37 of the Suffolk County Planning Commission Guidebook) further elaborates on section 4.3 and indicates that for change of zone applications "a minimum of twenty percent (20%) of all units be set aside as affordable units."



Z-1: The Meadows @ Yaphank
 SCPD: BR-11-05
 SCTM No: 0200-552.00-01.00-001.003 &
 0200-584.00-02.00-001.003